

EXECUTIVE OFFICERS SUMMARY REPORT
9:00 a.m., January 23, 2003
Regional Water Board Hearing Room
5550 Skylane Boulevard, Suite A
Santa Rosa, California

ITEM: 2

SUBJECT: Revision to Order No. R1-2002-0105, Waste Discharge Requirements for the Pacific Lumber Company for Timber Harvest Operations in the Elk River Watershed

DISCUSSION

On November 7, 2002, the North Coast Regional Water Quality Control Board (Regional Water Board) adopted Order No. R1-2002-0105, Waste Discharge Requirements (WDRs) for the Pacific Lumber Company for timber operations in the Elk River watershed. These WDRs covered wintertime operations for eight specific timber harvest plans (THPs).

The proposed revisions to these WDRs can be discussed in two separate categories: adding THPs to be covered under the revised order and amendments to facilitate minor operational changes.

In their Report of Waste Discharge, Pacific Lumber listed thirteen THPs to be covered and later added two additional THPs. Eight of these THPs were covered by the original WDRs. The other seven THPs had not been approved by CDF prior to November 7, 2002, and therefore did not have an adequate California Environmental Quality Act (CEQA) document. This was discussed at the November 7, 2002 hearing. Staff indicated that once these other THPs were approved and had an adequate CEQA document, the WDRs would be amended to include them at the next available Regional Water Board meeting. As of the writing of this report, five of these seven THPs have since been approved by CDF and are proposed to be amended into the revised WDRs. The remaining two THPs may not be amended into these WDRs depending on their approval status. The THPs are summarized in the Table 1, below.

Table 1: Summary of Proposed THPs

THP Number	Harvest Acres	Silviculture	Status
1-98-038 HUM*	30	CT 30	Approved
1-00-030 HUM*	191	CC 182 CT 9	Approved
1-00-077 HUM	92	CC 92	Approved
1-00-115 HUM	101	CC 96 STR 5	Not Approved
1-00-215 HUM	7	CC 7	Approved
1-00-219 HUM	30	CC 20 CT 10	Approved
1-00-280 HUM*	69	CC 69	Approved
1-00-370 HUM	64	CC 64	Approved
1-00-452 HUM	24	CC 24	Approved

THP Number	Harvest Acres	Silviculture	Status
1-01-003 HUM	148	STR 51 SHR 94 ROW 3	Not Approved
1-01-004 HUM	38	CT 38	Approved
1-02-090 HUM	107	CC 107	Approved
1-02-096 HUM*	170	CC 170	Approved
1-02-102 HUM	32	ALT 25 STR 1 SHR 6	Approved
1-02-103 HUM*	37	CC 37	Approved
Totals	1140	CC 868 SHR 100 CT 87 STR 57 ALT 25 ROW 3	
* Proposed to be amended into revised WDRs.			
CC=Clearcut; SHR=Shelterwood Removal; CT=Commercial Thin; STR=Seed Tree Removal; ALT=Alternative; ROW=Right of Way.			

In the course of implementing these WDRs, Pacific Lumber has alerted staff to two specific issues and some general concerns. The first being the difficulty in making amendments to the WDRs. An amendment that constitutes a material or proposed change in the character, location, or volume of the discharge requires a Regional Water Board action. For example, adding THPs to the WDRs is a material or proposed change in the character, location, or volume of the discharge and would require a Board action. There are instances where the authority to alter WDRs has been delegated to the Executive Officer. For example, making additions to a monitoring and reporting program has been delegated to the Executive Officer. In this case, altering a haul route to utilize an existing road may not be a material or proposed change in the character, location, or volume of the discharge and might be delegated to the Executive Officer to affect this amendment.

Language to accommodate minor changes has been added to Section III, Discharge Provisions, Item K. Unscheduled Revisions of Requirements. The concept is any change would need to go through the CDF review process typically as an amendment to a THP. The amendment would need to be approved by CDF. The approved amendment would then be submitted as a revision to the report of waste discharge. If these conditions are met and the revision is not a material or proposed change in the character, location, or volume of the discharge, as determined by the Executive Officer, then Provision K would authorize the Executive Officer to incorporate the revisions into the WDRs. This type of delegated authority would greatly increase the responsiveness to the operational needs inherent in the timber industry.

Another modification to the waste discharge requirements has been included to address implementation of the discharge control measures contained in the original or revised report of waste discharge as accepted by the Executive Officer. This modification has been added under Section II. Discharge Specifications, Item L.

The second issue is related to Provision M. Herbicide or Pesticide Use Notification. Pacific Lumber has indicated this notification is problematic in that it essentially encourages Pacific Lumber to provide notification for every potential herbicide treatment site in the Elk River watershed. This is due to the lead time of forty-five days. Typically, a survey crew is dispatched to identify areas that need herbicide treatment followed. An application crew generally follows the survey crew within one to two weeks. Basically, Pacific Lumber does not know precisely where the herbicide application is needed forty-five days in advance of the application crew. So as result, Pacific Lumber will be submitting a notification for potential treatment sites.

The forty-five day notification period is necessary to evaluate potential monitoring locations and to install in-stream monitoring equipment at locations deemed appropriate.

Additional concerns have been expressed by Pacific Lumber staff. These concerns have been resolved through discussions that essentially provided clarification of either the ROWD and/or the monitoring and reporting program. No modifications to the WDRs are necessary at this time.

In the spring of 2002, the Regional Water Board directed staff to convene an Independent Scientific Review Panel to review specific issues. One of the issues reviewed was two different methods of determining a rate of harvest within a watershed. This panel has completed its work and their report has been distributed to all interested parties. The panel's report is scheduled to be discussed by the RWB on the afternoon of January 23, 2003. The findings contained in the panel's report may have ramifications to these WDRs.

PRELIMINARY STAFF
RECOMMENDATION:

Adoption of Order No. R1-2003-0007 as proposed.